

Last month, the Board requested a more detailed report describing the responding criteria and corrective actions stemming from the call-out on January 2nd to 19088 Carter St. (Director Water's residence). This report describes the events, past Board directives, and lateral responsibility as outlined in the Wastewater Discharges Ordinance. For the purpose of discussion, the Christian School lateral will be used as a compare and contrast explanation.

It has long been the practice of the District to consider any single service connection to be the property owner's responsibility to the connection at the mainline. One of the first tasks in my employment with the District was to confirm no separate connections existed on the Christian School lateral in order to be clear who was responsible for the that lateral using the reasoning mentioned above. No other connections were found so the determination was that the Christian School is responsible for the lateral until it connects with the District sewer system. Likewise, with Mr. Water's lateral, where his property is the sole connection on the sewer pipe connecting to a manhole (M.H. C24) across Carter Street. District staff have always considered this to be a lateral falling into the same category as the Christian School.

There are some differences worth noting, however, in comparing these two laterals with the first being the Christian School lateral predates the collection system and does not appear on any of the collection system maps used by staff. The maps we use does show, and name, a mainline (C24) servicing Mr. Water's property. Staff was not sure if this mainline was included in error as the only cleanout known at the property line was not a typical end-of-segment cleanout (every mainline segment within the Carter Basin ends with a manhole or specific cleanout).

Upon video inspection of the mainline servicing Mr. Water's property, staff identified and located an end-of-segment cleanout near Water's property line that had been paved over. This finding confirms (to me) that this pipe was installed with the intention of District ownership. However, the failure occurring on January 2nd was not in this section of pipe; it was in the true private lateral belonging to Mr. Waters.

Private service laterals (PSL) can be broken into two separate categories:

1. Upper lateral – the lateral portion existing on private property.
2. Lower lateral – the portion of lateral into the public right-of-way.

The failure on January 2nd occurred in the lower lateral portion, before connecting to the mainline. Determining responsibility for lower laterals is where our policies get tricky and, at times, contradicts one another. The following excerpts are from the District Wastewater Discharge Ordinance:

The District shall make the determination of whether a sanitary sewer facility is owned by the District, or is part of the private sanitary sewer facilities serving a particular property or properties” (Sec. 2.13).

And,

The owner’s operation, maintenance, and repair **responsibility is generally** from the building to the connection at the District’s sewer main. On properties where an **approved cleanout** was installed on the private sewer lateral at the owner’s property line; the owner’s responsibility is from the building to the property line cleanout, and the District is typically responsible for the sewer lateral from the property line cleanout to the District sewer main. Ownership of the various components of the Private Sanitary Sewer Facilities shall be determined by the District on a case-by-case basis and the District will perform a free site inspection for the purpose of determining and documenting such ownership responsibilities. (Sec.9.1)

Notice in the second citation with the vague language, “responsibility is generally” which attempts to clarify with, “approved cleanout.” The ‘approved cleanout’ verbiage was added by former General Manager Pete Kampa in an attempt to offer homeowners a path for the District to assume responsibility of lower laterals, as mentioned in my January-22 staff report. Again, no one has applied to gain the ‘approved cleanout’ status and staff only consider new construction to meet this criteria. Even if Waters had applied for this approval process, the lower lateral would not have passed inspections due to major defects. Lower laterals in most of town would not pass either.

It should be clarified that the term ‘approved cleanout’ is not a prelude to lower lateral acceptance:

Existing Sewer Connection, New Cleanout Installed on a Lateral Determined to be Defective - If the user installs a sewer cleanout at the property line adjacent to a public right-of-way, and the cleanout is installed pursuant to District standards and accessible to the District's satisfaction, the District will enter into Agreement with the owner/user for the improvement and ultimate ownership, operation and maintenance of the portion of the lateral downstream of the cleanout in the public easement, road or right-of-way, to the District main. The owner/user shall be responsible for the cost of improvement of the sanitary sewer facilities between the new cleanout and District's sewer main, in accordance with schedule established by the District and in the manner addressed in the Agreement (Sec. 2.13.2).

To summarize, Waters' lateral was considered his responsibility because he does not have an approved cleanout by District standards. With the failure occurring in the lower lateral, the responsibility was determined to belong to him. Staff encounter similar cases such as this on a regular basis. It is a common practice of staff to assist if there is an accessible cleanout, regardless of approved status or not, with a one-time curtesy line clearing. We attempted to do this for Waters, but the issue encountered required a cutting machine which we do not have.

I hope this sheds some light on the topic. Operational staff welcomes changes to the Ordinance to clarify lower lateral responsibility and scope of duties when responding to callouts.

Prepared by:

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